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PTQ6566

RELEASED IN PART
B1, 1.4(B), 1.4(D)

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ACTION SCT-00

INFO	LOG-00	MFA-00	NP-00	AID-00	AEX-00	CIAE-00	COME-00
	DODE-00	SRPP-00	DS-00	EAP-00	EB-00	OIGO-00	FBIE-00
	VC-00	TEDE-00	INR-00	INSE-00	JUSE-00	VCE-00	DCP-01
	NSAE-00	NSCE-00	IRM-00	SS-00	ASDS-00	DSCC-00	PRM-00
	DRL-02	NFAT-00	SAS-00	SWCI-00	/003W		
					-----26B352	161625Z	/75

O 161049Z JAN 03
FM AMEMBASSY JAKARTA
TO SECSTATE WASHDC IMMEDIATE 5418
INFO ASEAN COLLECTIVE PRIORITY
AMEMBASSY CANBERRA PRIORITY
AMEMBASSY PORT MORESBY PRIORITY
AMEMBASSY WELLINGTON PRIORITY
DEPT OF JUSTICE WASHDC PRIORITY
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C O N F I D E N T I A L SECTION 01 OF 03 JAKARTA 000642

DEPT FOR EAP/PIMBS, S/CT AND DS/ATA; NSC FOR BROOKES;
JUSTICE DEPT FOR THORNTON

E.O. 12958: DECL: 01/16/2013
TAGS: PTER, KJUS, KISL, PGOV, ID
SUBJECT: INDONESIA: THE CASE AGAINST ABU BAKAR BA'ASYIR
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REF: A. 02 JAKARTA 5899
B. 02 JAKARTA 8222

1. (U) CLASSIFIED BY POLITICAL OFFICER ANDREW T. HINTZ FOR
REASON 1.5(D).

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SUMMARY.

BA'ASYIR CASE ON TRACK

3. (SBU) WHILE LACKING THE FANFARE AND DRAMATIC DEVELOPMENTS THAT HAVE MARKED THE INP'S PROBE OF THE OCTOBER 12 BALI BOMBINGS, THE GOI CASE AGAINST JI GODFATHER ABU BAKAR BA'ASYIR IS PROCEEDING STEADILY, WITH POLICE INVESTIGATORS POISED TO PASS BA'ASYIR'S DOSSIER TO THE ATTORNEY GENERAL'S OFFICE FOR PROSECUTION. CID GENERAL CRIMES DIRECTOR BGEN. ARYANTO SUTADI INFORMED US JANUARY 15 THAT THE INP'S HAS NEARLY COMPLETED ITS CASE FILE ON BA'ASYIR FOR FORWARDING TO PROSECUTORS DURING THE WEEK OF JANUARY 20-24. SUTADI ALSO OPINED THAT THE AGO WOULD BRING BA'ASYIR TO TRIAL IN JAKARTA BEFORE THE 120-DAY LEGAL MAXIMUM FOR POLICE DETENTION EXPIRES AT THE END OF FEBRUARY.

4. (C) OTHER GOI OFFICIALS CONCUR THAT THE GOVERNMENT WILL ATTEMPT TO MOVE BA'ASYIR TO TRIAL WITHOUT SEEKING FURTHER EXTENSIONS TO HIS DETENTION. DURING A SEPARATE JANUARY 15

DOUBTED THAT PROSECUTORS COULD BRING THE CASE TO TRIAL BEFORE THE EXTENDED PERIOD OF POLICE DETENTION EXPIRED, BUT HE AGREED THAT THE PROSECUTION WOULD TRY. (NOTE: WE KNOW OF NO COMPELLING LEGAL REASON FOR PROSECUTORS TO MEET THIS

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DEADLINE. INDONESIA'S CRIMINAL CODE ALSO PROVIDES BOTH
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PROSECUTORS AND JUDGES WITH LATITUDE TO EXTEND A SUSPECT'S
PERIOD OF DETENTION BY UP TO 50 AND 90 DAYS, RESPECTIVELY.
THE INP WILL HAVE TO REQUEST A FINAL 30-DAY EXTENSION OF
BA'ASYIR'S POLICE DETENTION BY JANUARY 30 IF THEY WISH TO
HOLD HIM THROUGH THE END OF FEBRUARY. END NOTE)

THE CHARGES STAND ... FOR NOW

5. (SBU) SUTADI ALSO FLATLY REFUTED RECENT STATEMENTS BY INP
COLLEAGUES, INCLUDING CHIEF BALI BOMBING INVESTIGATOR I MADE
PASTIKA (REF B), TO US OFFICIALS AND THE MEDIA INDICATING
THAT POLICE WOULD WITHDRAW THE MOST SERIOUS CHARGES AGAINST
BA'ASYIR. SUTADI AVERRED THE INP HAD NOT REMOVED, NOR WAS IT
CONTEMPLATING SO DOING, ANY OF THE FIVE CHARGES ON WHICH
BA'ASYIR WAS ARRESTED, WHICH HE DESCRIBED AS PLOTTING TO
ASSASSINATE PRESIDENT MEGAWATI, COMMISSION OF CRIMES THAT
RESULT IN LOSS OF LIFE AND/OR DESTRUCTION OF PROPERTY,
CRIMINAL USE OF EXPLOSIVES, IMMIGRATION VIOLATIONS, AND
DOCUMENT FRAUD.

6. (C) NEVERTHELESS, SUTADI UNDERScoreD THAT THE AGO ALONE

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	VC-00	TEDE-00	INR-00	INSE-00	JUSE-00	VCE-00	DCP-01
	NSAE-00	NSCE-00	IRM-00	SS-00	ASDS-00	DSCC-00	PRM-00
	DRL-02	NFAT-00	SAS-00	SWCI-00	/003W		

-----26B365 161625Z /75

O 161049Z JAN 03
FM AMEMBASSY JAKARTA
TO SECSTATE WASHDC IMMEDIATE 5419
INFO ASEAN COLLECTIVE PRIORITY
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C O N F I D E N T I A L SECTION 02 OF 03 JAKARTA 000642

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WOULD DETERMINE WHICH CHARGES IT WOULD INCLUDE IN BA'ASYIR'S
INDICTMENT.

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HE NOTED, FOR EXAMPLE, THAT WHEREAS INFORMATION RENDERED FROM
OMAR AL-FAROUQ HAD PROVIDED THE BASIS FOR THE INP
INVESTIGATION, THE STATEMENTS PRODUCED WOULD NOT BE
SUFFICIENT TO WIN BA'ASYIR'S CONVICTION BY AN INDONESIAN

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... WITH LOCAL INPUTS

8. (SBU) ACKNOWLEDGING THE NEED TO BUILD A CREDIBLE CASE AGAINST BA'AYSIR THAT HELPS DISPEL LINGERING PUBLIC SUSPICIONS THAT FOREIGN INFLUENCE IS BEHIND THE CLERIC'S DETENTION, SUTADI ADDED THAT CRUCIAL EVIDENCE HIGHLIGHTING BA'ASYIR'S EXECUTIVE ROLE IN JI ALSO HAD BEEN PRODUCED FROM SUSPECTS ARRESTED DURING THE BALI BOMBING INVESTIGATION. HE CITED IN PARTICULAR INFORMATION DETAILING FOR INP INVESTIGATORS THE JI'S ORGANIZATION AND HIERARCHY, AS WELL AS BA'ASYIR'S POSITION IN THE TERRORIST NETWORK, THAT WAS REVEALED BY IMAM SAMUDRA AND MUKHLAS -- THE LATTER A BROTHER OF INITIAL BALI BOMBING SUSPECT AMROZI. IN RESPONSE TO OUR
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QUERY, HE AFFIRMED THAT, IN ADDITION TO THE BALI BOMBING SUSPECTS, INP INVESTIGATORS ALSO HAVE IDENTIFIED AT LEAST ONE "LOCAL WITNESS" INCRIMINATING BA'ASYIR, AND HAVE COMPILED SUBSTANTIAL DOCUMENTARY EVIDENCE AGAINST THE JI LEADER. SUTADI CONCEDED, HOWEVER, THAT THE INP HAS NOT FORMALLY LINKED BA'ASYIR TO THE BALI BOMBING, BUT BELIEVED THAT INVESTIGATORS MIGHT SOON HAVE ENOUGH EVIDENCE TO LEVEL THAT CHARGE.

MORE BALI BOMBERS BAGGED

9. (SBU) SUTADI ALSO EXPRESSED OPTIMISM THAT ADDITIONAL EVIDENCE AGAINST BA'ASYIR MIGHT BE RENDERED FROM THE TWO MOST RECENTLY ARRESTED BALI BOMBING FUGITIVES, MUBARAK AND ALI IMRON (A YOUNGER BROTHER OF KEY SUSPECTS AMROZI AND MUKHLAS). THE TWO WERE PART OF A GROUP OF 14 ARRESTED JANUARY 13 ON REMOTE BERUKANG ISLAND IN EAST KALIMANTAN PROVINCE; THE

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REMAINDER WERE EITHER FELLOW CONSPIRATORS IN AN ILLEGAL
WEAPONS CACHE UNEARTHED IN NOVEMBER OUTSIDE IMRON'S HOME, OR
WERE AIDING THE PAIR ON THE ISLAND. INP OFFICIALS DESCRIBE
IMRON AS A "FIELD COORDINATOR" IN THE BOMBINGS, WHILE MUBARAK

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WAS DESCRIBED AS HAVING ASSISTED IN THEIR FINANCING. THE
ARRESTING OFFICER, FORMER NUSA TENGGARA TIMUR POLICE CHIEF
GORES MERE TOLD US THAT MUBARAK AND IMRON WERE NOT ATTEMPTING
TO FLEE TO MALAYSIA -- AS WIDELY REPORTED BY THE MEDIA -- BUT
WERE IN FACT HIDING OUT ON THE FAR-FLUNG ISLAND. THE PAIR
BELIEVED THEIR HIDEOUT WAS SUFFICIENTLY SECLUDED TO AVOID
DETECTION, ACCORDING TO MERE. IMRON AND MUBARAK WERE

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NEVERTHELESS LOCATED THROUGH GSM TELEPHONE INTERCEPT
EQUIPMENT, ACCORDING TO INP CONTACTS. GEN. SUTADI CONFIRMED
THAT IMRON AND MUBARAK WOULD BE TRANSPORTED TO BALI FOR
INTERROGATION.

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